

IDAHO ATHLETIC COMMISSION
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Video Conference Minutes of 6/19/2020

COMMISSION MEMBERS PRESENT: Kip Dribnak
Thomas Fleming
James W Grow, Jr
Kyle Jared Wills

COMMISSION MEMBERS ABSENT: Kaleb Redden
Blake Richardson

DIVISION STAFF: Dawn Hall, Deputy Division Administrator
Julie Eavenson, Licensing Group Manager
Nicholas Krema, General Counsel
Rob McQuade, Legal Counsel
Roam Yocham, Board Specialist
Lizzie Kukla, Board Specialist

OTHERS PRESENT: Todd Carlson, Front Street Fights
Sean Rhodes, Front Street Fights

The meeting was called to order at 3:00 PM MDT by Commissioner Wills.

LAWS AND RULES

Mr. McQuade began by explaining the purpose of the meeting: to open a dialogue to discuss the rules of the Idaho Athletic Commission.

Commissioner Wills encouraged members of the public in attendance and any who were unable to attend the meeting to submit any further suggestions or comments to the Commission via email by June 30th, 2020. Commissioner Wills began discussion by explaining how he would proceed through the provided draft document and address each proposed change to the rules.

First, the Commissioner referred to the proposed list of incorporation by reference documents: the Association of Boxing Commissions: Unified Rules for Boxing, the Association of Boxing Commissions: Unified Rules for Mixed Martial Arts, and the USADA 2020 Standard Prohibited List. The Commissioner explained that Idaho currently has its own antiquated rules for both boxing and mixed martial arts (MMA) in the administrative code and that by incorporating the 2019 Association of Boxing Commissions' (ABC) unified rules for each sport, the athletic commission rules could be greatly simplified and brought up to date. Next, he presented a series of proposals to update the Commission's rules.

The Commissioner presented the proposal to remove the definition of “stub”. Since the majority of events use all digital or a hybrid of paper and digital tickets, the definition is not relevant. There was no discussion or objection.

The draft of proposed changes includes a list of license types for the Commission. The Commissioner asked for any additional roles that may require a license. Mr. Carlson mentioned that many promotions and events have a designated “cut man” who deals specifically with lacerations on fighters in either corner and that offering a “cut man” license may be worth consideration. The Commissioner asked Deputy Commissioner Kip Dribnak for his opinion on a “cut man” license. Mr. Dribnak brought up that if the Commission requires a licensed “cut man” at events, that may put an extra and unnecessary strain on promoters, especially if there are few licensed “cut men” in the state. Deputy Commissioner James W. Grow explained that “cut men” rarely have professional training and that developing requirements to license them would be difficult. Ms. Kukla suggested adding “cut man” to the duties of the inspector. The Commissioner decided to move forward with the meeting, but to add the topic of “cut man” licensure to his personal list of further research topics.

Before the Commissioner moved on to the next topic, Mr. Carlson asked if the Commission would still be licensing managers since they had been left off the list in the draft document. It was clarified that managers are included as an option on the application for a second’s license and they would be included under the non-combatant application.

Next, the Commissioner addressed the proposal to allow the Commission, at its discretion, to request a new, additional physical or blood test from a fighter who has competed in an unsanctioned event, even if he or she is able to provide valid documents from within the required timeframe due to a lack of regulation of bloodwork in unsanctioned events. Mr. Carlson suggested requiring new bloodwork from all fighters who participated in an unsanctioned event regardless of where or whom they fought. Commissioner Wills agreed that this would be the safest course of action.

The Commissioner presented the proposal to require that blood and urinalysis tests show the percentage of illegal substances rather than just a pass/fail declaration. Percentage limits would be based on the USADA threshold in the document incorporated by reference.

The Commissioner next discussed clarifying in the rules exactly what a surety bond needs to cover. Participants expressed some confusion about the amount surety bonds are currently required to cover and how the Commission has been enforcing this rule. According to the rules, surety bonds should cover the cost of the total number of tickets sold. However, members of the public and some Commission members were under the impression that surety bonds should cover other components of an event, enough to cover payment to fighters, for example. Deputy Commissioner Grow suggested coming up with some sort of system that would treat

all promoters equally. The Commissioner decided to follow up on this issue with research.

The Commissioner review the proposal to remove the requirement for ring officials and judges to receive a physical before a fight. This is not currently enforced. The Commissioner suggested keeping the vision exam or requirement to ensure that ring officials and judges can accurately call a fight. Ms. Kukla suggested creating and requiring the administration of a pre-fight physical for ring officials and judges to ensure that they are of sound body to perform their jobs. Mr. Krema suggested the Commission keep language that would allow it to require physicals at its discretion.

The Commissioner proposed removal of language describing the renewal process as it has been added to the Division's statute and is redundant. The removal of a reference to ring official examination was also suggested, as ring officials are no longer given exams.

The Commissioner then described the proposed changes in the fee structure for licenses granted by the Commission. He proposed lowering the amateur combatant fee from one hundred and fifty dollars (\$150) to seventy-five dollars (\$75), the non-combatant fee from one-hundred and fifty dollars (\$150) to sixty-five dollars (\$65), the event sanctioning permit fee from two-hundred dollars (\$200) to one-hundred and fifty dollars (\$150), and the ring official fee from one-hundred and fifty dollars (\$150) to one-hundred dollars (\$100). Professional combatants would continue to pay one-hundred and fifty dollars (\$150). The Commissioner reminded those in attendance that the Athletic Commission is entirely self-supported and relies on fees and event taxes to exist. Ms. Hall reminded the Commission that their current rules have "not to exceed" language on the existing fee structure so that the Commission has the ability to lower fees, but does not need to amend administrative rules in order to raise them back to the original amounts should the Commission face financial difficulties.

Mr. Carlson asked if the Commission had proposed changing the tax on ticket sales and commented that it is a very large amount currently and that he would like to see it lowered. The Commissioner asked Mr. McQuade if the Commission was able to add "not to exceed" language to the tax on gross ticket sales. Division staff reminded the Commissioner that some of the requirements on ticket taxes are in the statute and not presently up for discussion for negotiated rulemaking. Mr. Carlson described some of the problems that a high ticket tax creates for a promotor.

Mr. Carlson suggested some kind of discount for out-of-town fighters that may only fight in the state once. Commissioner Wills agreed to consider it.

Commissioner Wills asked the public if any amateur fighters are currently being paid to sell tickets or merchandise or provide services related to an event. Members of the public described that the current practice is to pay the amateur fighter's gym for the tickets being sold by the fighter.

The Commissioner proposed to clarify that unsold tickets are not subject to the ticket tax and that the limit of a promoter's complimentary tickets does not include unused tickets. Deputy Commissioner Grow asked why the commission taxes ticket sales rather than the gross proceeds of an event and Ms. Hall explained that there was a history of some promotions claiming that they made no profits from their fights and therefore had nothing the Commission could tax. The rules were then adjusted to include strict requirements so that the Commission could continue to collect the necessary taxes to support itself. Mr. Yocham explained the function and the importance of the one-thousand-dollar initial event tax that serves as something of a "down payment" on the total tax on ticket sales.

Members of the public then expressed an interest in seeing the allowed percentage of complimentary tickets a promoter is allowed to give away be raised from the current two percent. Mr. Carlson suggested six percent. Commissioner Wills expressed an interest in hearing opinions on whether or not complimentary tickets should be excluded entirely from the tax on ticket sales or if the allowed amount should be raised from two percent to something higher. Mr. Carlson expressed his opinion that some promoters may abuse an exclusion on complimentary tickets and that the Commission's revenue would be impacted. Deputy Commissioner Grow stated his agreement with changing the allowed percentage of complimentary tickets from two to six percent.

The Commissioner presented a proposal to remove references to lifetime passes as they are no longer issued or relevant.

The Commissioner presented a proposal to remove and update all language relating to paper tickets since many promoters utilize largely digital ticketing procedures and it is no longer relevant.

The Commissioner reviewed a proposal to change the attire, combatant costume, and equipment sections as the attire of participants is dictated by the sport and the incorporated Association of Boxing Commissions' (ABC) unified rules and therefore redundant. Commissioner Wills expressed a desire to maintain some level of Commission discretion in case it encounters something unexpected in the future.

The Commissioner proposed removing sections of the rules referencing "champions" as the state is not currently enforcing them, and they are not relevant.

The Commissioner proposed removing language concerning method of judging and scoring bouts as they are made redundant by the documents incorporated by reference.

The Commissioner proposed clarifying the requirement that physicians meet the minimum licensure qualifications required by state law and that they have knowledge of, or experience with, combative sports. Commissioner Wills expressed his desire to pursue appointing a "Commission doctor" or a head physician within the Commission to help set the requirements for ringside doctors. Ms. Kukla pointed out that it may be

difficult for promoters to find doctors with the requisite knowledge and experience in the state, but that appointing a Commission doctor would present the opportunity to train other physicians in the state who might be interested. Deputy Commissioner Dribnak suggested finding or creating a training resource, like a webinar, to help educate and prepare interested physicians in the particular details or potential injuries in combat sports.

The Commissioner proposed having Deputy Commissioner Dr. Kaleb Redden update and create a standardized list of suspension lengths and requirements based on current industry standards for ringside physicians to reference. Mr. Dribnak expressed his agreement.

The Commissioner proposed adding a requirement stating that gloves must be worn in all contests to prevent bare knuckle boxing events.

The Commissioner proposed exempting exhibition wrestlers from the drug test requirements for licensure as wrestling competitions are presented as entertainment rather than an actual contest. They would still be required to submit to bloodwork for fighter safety.

The Commissioner presented new language surrounding amateur athletic sanctioning organizations modeled after Utah's rules to clarify and condense the Idaho Athletic Commission rules.

Finally, Mr. Carlson suggested requiring contracts and bout agreements from both amateur and professional fighters before all events. Mr. Carlson also proposed discussion about glove weight requirements for amateur and professional MMA gloves as well as a potential requirement for amateur protective equipment and performance-enhancing drug testing. Mr. McQuade pointed out that the Commission has been tasked by the Governor to allow industries to self-regulate whenever possible and that imposing the Commission's regulatory will on things like contracts and bout agreements may be opposed.

ADJOURNMENT

Commissioner Wills called the meeting to a close at 5:00 PM MDT.